



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4123

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3
730 ILCS 5/3-7-6

from Ch. 38, par. 1003-6-3
from Ch. 38, par. 1003-7-6

Amends the Unified Code of Corrections. Provides that a prisoner who is serving a term of imprisonment for first degree murder may receive sentence credit but must serve 75% of his or her sentence of imprisonment (currently, the person must serve the entire sentence imposed by the court). Increases from 4.5 days to 8.5 days the maximum number of days of sentence credit that a prisoner may receive for each month of his or her sentence of imprisonment for certain specified offenses. Eliminates from the maximum 7.5 days of sentence credit that a prisoner may receive for each month of his or her sentence of imprisonment a Class X felony conviction for delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, participation in methamphetamine manufacturing, aggravated participation in methamphetamine manufacturing, delivery of methamphetamine, possession with intent to deliver methamphetamine, aggravated delivery of methamphetamine, aggravated possession with intent to deliver methamphetamine, methamphetamine conspiracy when the substance containing the controlled substance or methamphetamine is 100 grams or more (those prisoners shall receive one day of sentence credit for each day of their sentence of imprisonment or recommitment). Eliminates provision that the failure of a committed person to fully cooperate in completing the asset disclosure form provided by the Department of Corrections shall be considered for purposes of a parole determination.

LRB099 11224 RLC 31757 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-6-3 and 3-7-6 as follows:

6 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

7 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

8 (a) (1) The Department of Corrections shall prescribe
9 rules and regulations for awarding and revoking sentence
10 credit for persons committed to the Department which shall
11 be subject to review by the Prisoner Review Board.

12 (1.5) As otherwise provided by law, sentence credit may
13 be awarded for the following:

14 (A) successful completion of programming while in
15 custody of the Department or while in custody prior to
16 sentencing;

17 (B) compliance with the rules and regulations of
18 the Department; or

19 (C) service to the institution, service to a
20 community, or service to the State.

21 (2) The rules and regulations on sentence credit shall
22 provide, with respect to offenses listed in clause (i),
23 (ii), or (iii) of this paragraph (2) committed on or after

1 June 19, 1998 or with respect to the offense listed in
2 clause (iv) of this paragraph (2) committed on or after
3 June 23, 2005 (the effective date of Public Act 94-71) or
4 with respect to offense listed in clause (vi) committed on
5 or after June 1, 2008 (the effective date of Public Act
6 95-625) or with respect to the offense of being an armed
7 habitual criminal committed on or after August 2, 2005 (the
8 effective date of Public Act 94-398) or with respect to the
9 offenses listed in clause (v) of this paragraph (2)
10 committed on or after August 13, 2007 (the effective date
11 of Public Act 95-134) or with respect to the offense of
12 aggravated domestic battery committed on or after July 23,
13 2010 (the effective date of Public Act 96-1224) or with
14 respect to the offense of attempt to commit terrorism
15 committed on or after January 1, 2013 (the effective date
16 of Public Act 97-990), the following:

17 (i) that a prisoner who is serving a term of
18 imprisonment ~~for first degree murder or~~ for the offense
19 of terrorism shall receive no sentence credit and shall
20 serve the entire sentence imposed by the court;

21 (i-5) that a prisoner who is serving a term of
22 imprisonment for first degree murder may receive
23 sentence credit but must serve 75% of his or her
24 sentence of imprisonment;

25 (ii) that a prisoner serving a sentence for attempt
26 to commit terrorism, attempt to commit first degree

1 murder, solicitation of murder, solicitation of murder
2 for hire, intentional homicide of an unborn child,
3 predatory criminal sexual assault of a child,
4 aggravated criminal sexual assault, criminal sexual
5 assault, aggravated kidnapping, aggravated battery
6 with a firearm as described in Section 12-4.2 or
7 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
8 Section 12-3.05, heinous battery as described in
9 Section 12-4.1 or subdivision (a) (2) of Section
10 12-3.05, being an armed habitual criminal, aggravated
11 battery of a senior citizen as described in Section
12 12-4.6 or subdivision (a) (4) of Section 12-3.05, or
13 aggravated battery of a child as described in Section
14 12-4.3 or subdivision (b) (1) of Section 12-3.05 shall
15 receive no more than 8.5 ~~4.5~~ days of sentence credit
16 for each month of his or her sentence of imprisonment;

17 (iii) that a prisoner serving a sentence for home
18 invasion, armed robbery, aggravated vehicular
19 hijacking, aggravated discharge of a firearm, or armed
20 violence with a category I weapon or category II
21 weapon, when the court has made and entered a finding,
22 pursuant to subsection (c-1) of Section 5-4-1 of this
23 Code, that the conduct leading to conviction for the
24 enumerated offense resulted in great bodily harm to a
25 victim, shall receive no more than 8.5 ~~4.5~~ days of
26 sentence credit for each month of his or her sentence

1 of imprisonment;

2 (iv) that a prisoner serving a sentence for
3 aggravated discharge of a firearm, whether or not the
4 conduct leading to conviction for the offense resulted
5 in great bodily harm to the victim, shall receive no
6 more than 8.5 ~~4.5~~ days of sentence credit for each
7 month of his or her sentence of imprisonment;

8 (v) that a person serving a sentence for
9 gunrunning, narcotics racketeering, controlled
10 substance trafficking, methamphetamine trafficking,
11 drug-induced homicide, aggravated
12 methamphetamine-related child endangerment, or money
13 laundering pursuant to clause (c) (4) or (5) of Section
14 29B-1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012, ~~or a Class X felony conviction for delivery of~~
16 ~~a controlled substance, possession of a controlled~~
17 ~~substance with intent to manufacture or deliver,~~
18 ~~calculated criminal drug conspiracy, criminal drug~~
19 ~~conspiracy, street gang criminal drug conspiracy,~~
20 ~~participation in methamphetamine manufacturing,~~
21 ~~aggravated participation in methamphetamine~~
22 ~~manufacturing, delivery of methamphetamine, possession~~
23 ~~with intent to deliver methamphetamine, aggravated~~
24 ~~delivery of methamphetamine, aggravated possession~~
25 ~~with intent to deliver methamphetamine,~~
26 ~~methamphetamine conspiracy when the substance~~

1 ~~containing the controlled substance or methamphetamine~~
2 ~~is 100 grams or more~~ shall receive no more than 7.5
3 days sentence credit for each month of his or her
4 sentence of imprisonment;

5 (vi) that a prisoner serving a sentence for a
6 second or subsequent offense of luring a minor shall
7 receive no more than 8.5 ~~4.5~~ days of sentence credit
8 for each month of his or her sentence of imprisonment;
9 and

10 (vii) that a prisoner serving a sentence for
11 aggravated domestic battery shall receive no more than
12 8.5 ~~4.5~~ days of sentence credit for each month of his
13 or her sentence of imprisonment.

14 (2.1) For all offenses, other than those enumerated in
15 subdivision (a) (2) (i), (i-5), (ii), or (iii) committed on
16 or after June 19, 1998 or subdivision (a) (2) (iv) committed
17 on or after June 23, 2005 (the effective date of Public Act
18 94-71) or subdivision (a) (2) (v) committed on or after
19 August 13, 2007 (the effective date of Public Act 95-134)
20 or subdivision (a) (2) (vi) committed on or after June 1,
21 2008 (the effective date of Public Act 95-625) or
22 subdivision (a) (2) (vii) committed on or after July 23, 2010
23 (the effective date of Public Act 96-1224), and other than
24 the offense of aggravated driving under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of
2 Section 11-501 of the Illinois Vehicle Code, and other than
3 the offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (C) of paragraph (1) of subsection (d) of
7 Section 11-501 of the Illinois Vehicle Code committed on or
8 after January 1, 2011 (the effective date of Public Act
9 96-1230), the rules and regulations shall provide that a
10 prisoner who is serving a term of imprisonment shall
11 receive one day of sentence credit for each day of his or
12 her sentence of imprisonment or recommitment under Section
13 3-3-9. Each day of sentence credit shall reduce by one day
14 the prisoner's period of imprisonment or recommitment
15 under Section 3-3-9.

16 (2.2) A prisoner serving a term of natural life
17 imprisonment or a prisoner who has been sentenced to death
18 shall receive no sentence credit.

19 (2.3) The rules and regulations on sentence credit
20 shall provide that a prisoner who is serving a sentence for
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof as defined in subparagraph (F) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code, shall receive no more than 8.5 ~~4.5~~
26 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.4) The rules and regulations on sentence credit
3 shall provide with respect to the offenses of aggravated
4 battery with a machine gun or a firearm equipped with any
5 device or attachment designed or used for silencing the
6 report of a firearm or aggravated discharge of a machine
7 gun or a firearm equipped with any device or attachment
8 designed or used for silencing the report of a firearm,
9 committed on or after July 15, 1999 (the effective date of
10 Public Act 91-121), that a prisoner serving a sentence for
11 any of these offenses shall receive no more than 8.5 ~~4.5~~
12 days of sentence credit for each month of his or her
13 sentence of imprisonment.

14 (2.5) The rules and regulations on sentence credit
15 shall provide that a prisoner who is serving a sentence for
16 aggravated arson committed on or after July 27, 2001 (the
17 effective date of Public Act 92-176) shall receive no more
18 than 8.5 ~~4.5~~ days of sentence credit for each month of his
19 or her sentence of imprisonment.

20 (2.6) The rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds or any
24 combination thereof as defined in subparagraph (C) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code committed on or after January 1, 2011

1 (the effective date of Public Act 96-1230) shall receive no
2 more than 8.5 ~~4.5~~ days of sentence credit for each month of
3 his or her sentence of imprisonment.

4 (3) The rules and regulations shall also provide that
5 the Director may award up to 180 days additional sentence
6 credit for good conduct in specific instances as the
7 Director deems proper. The good conduct may include, but is
8 not limited to, compliance with the rules and regulations
9 of the Department, service to the Department, service to a
10 community, or service to the State. However, the Director
11 shall not award more than 90 days of sentence credit for
12 good conduct to any prisoner who is serving a sentence for
13 conviction of first degree murder, reckless homicide while
14 under the influence of alcohol or any other drug, or
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof as defined in subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual assault, deviate
22 sexual assault, aggravated criminal sexual abuse,
23 aggravated indecent liberties with a child, indecent
24 liberties with a child, child pornography, heinous battery
25 as described in Section 12-4.1 or subdivision (a)(2) of
26 Section 12-3.05, aggravated battery of a spouse,

1 aggravated battery of a spouse with a firearm, stalking,
2 aggravated stalking, aggravated battery of a child as
3 described in Section 12-4.3 or subdivision (b)(1) of
4 Section 12-3.05, endangering the life or health of a child,
5 or cruelty to a child. Notwithstanding the foregoing,
6 sentence credit for good conduct shall not be awarded on a
7 sentence of imprisonment imposed for conviction of: (i) one
8 of the offenses enumerated in subdivision (a)(2)(i),
9 (i-5), (ii), or (iii) when the offense is committed on or
10 after June 19, 1998 or subdivision (a)(2)(iv) when the
11 offense is committed on or after June 23, 2005 (the
12 effective date of Public Act 94-71) or subdivision
13 (a)(2)(v) when the offense is committed on or after August
14 13, 2007 (the effective date of Public Act 95-134) or
15 subdivision (a)(2)(vi) when the offense is committed on or
16 after June 1, 2008 (the effective date of Public Act
17 95-625) or subdivision (a)(2)(vii) when the offense is
18 committed on or after July 23, 2010 (the effective date of
19 Public Act 96-1224), (ii) aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof as
22 defined in subparagraph (F) of paragraph (1) of subsection
23 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
24 one of the offenses enumerated in subdivision (a)(2.4) when
25 the offense is committed on or after July 15, 1999 (the
26 effective date of Public Act 91-121), (iv) aggravated arson

1 when the offense is committed on or after July 27, 2001
2 (the effective date of Public Act 92-176), (v) offenses
3 that may subject the offender to commitment under the
4 Sexually Violent Persons Commitment Act, or (vi)
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, or intoxicating compound or compounds or any
7 combination thereof as defined in subparagraph (C) of
8 paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code committed on or after January 1, 2011
10 (the effective date of Public Act 96-1230).

11 Eligible inmates for an award of sentence credit under this
12 paragraph (3) may be selected to receive the credit at the
13 Director's or his or her designee's sole discretion.
14 Consideration may be based on, but not limited to, any
15 available risk assessment analysis on the inmate, any history
16 of conviction for violent crimes as defined by the Rights of
17 Crime Victims and Witnesses Act, facts and circumstances of the
18 inmate's holding offense or offenses, and the potential for
19 rehabilitation.

20 The Director shall not award sentence credit under this
21 paragraph (3) to an inmate unless the inmate has served a
22 minimum of 60 days of the sentence; except nothing in this
23 paragraph shall be construed to permit the Director to extend
24 an inmate's sentence beyond that which was imposed by the
25 court. Prior to awarding credit under this paragraph (3), the
26 Director shall make a written determination that the inmate:

- 1 (A) is eligible for the sentence credit;
- 2 (B) has served a minimum of 60 days, or as close to
- 3 60 days as the sentence will allow; and
- 4 (C) has met the eligibility criteria established
- 5 by rule.

6 The Director shall determine the form and content of

7 the written determination required in this subsection.

8 (3.5) The Department shall provide annual written

9 reports to the Governor and the General Assembly on the

10 award of sentence credit for good conduct, with the first

11 report due January 1, 2014. The Department must publish

12 both reports on its website within 48 hours of transmitting

13 the reports to the Governor and the General Assembly. The

14 reports must include:

- 15 (A) the number of inmates awarded sentence credit
- 16 for good conduct;
- 17 (B) the average amount of sentence credit for good
- 18 conduct awarded;
- 19 (C) the holding offenses of inmates awarded
- 20 sentence credit for good conduct; and
- 21 (D) the number of sentence credit for good conduct
- 22 revocations.

23 (4) The rules and regulations shall also provide that

24 the sentence credit accumulated and retained under

25 paragraph (2.1) of subsection (a) of this Section by any

26 inmate during specific periods of time in which such inmate

1 is engaged full-time in substance abuse programs,
2 correctional industry assignments, educational programs,
3 behavior modification programs, life skills courses, or
4 re-entry planning provided by the Department under this
5 paragraph (4) and satisfactorily completes the assigned
6 program as determined by the standards of the Department,
7 shall be multiplied by a factor of 1.25 for program
8 participation before August 11, 1993 and 1.50 for program
9 participation on or after that date. The rules and
10 regulations shall also provide that sentence credit,
11 subject to the same offense limits and multiplier provided
12 in this paragraph, may be provided to an inmate who was
13 held in pre-trial detention prior to his or her current
14 commitment to the Department of Corrections and
15 successfully completed a full-time, 60-day or longer
16 substance abuse program, educational program, behavior
17 modification program, life skills course, or re-entry
18 planning provided by the county department of corrections
19 or county jail. Calculation of this county program credit
20 shall be done at sentencing as provided in Section
21 5-4.5-100 of this Code and shall be included in the
22 sentencing order. However, no inmate shall be eligible for
23 the additional sentence credit under this paragraph (4) or
24 (4.1) of this subsection (a) while assigned to a boot camp
25 or electronic detention, or if convicted of an offense
26 enumerated in subdivision (a)(2)(i), (i-5), (ii), or (iii)

1 of this Section that is committed on or after June 19, 1998
2 or subdivision (a) (2) (iv) of this Section that is committed
3 on or after June 23, 2005 (the effective date of Public Act
4 94-71) or subdivision (a) (2) (v) of this Section that is
5 committed on or after August 13, 2007 (the effective date
6 of Public Act 95-134) or subdivision (a) (2) (vi) when the
7 offense is committed on or after June 1, 2008 (the
8 effective date of Public Act 95-625) or subdivision
9 (a) (2) (vii) when the offense is committed on or after July
10 23, 2010 (the effective date of Public Act 96-1224), or if
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds or any combination thereof as defined in
14 subparagraph (F) of paragraph (1) of subsection (d) of
15 Section 11-501 of the Illinois Vehicle Code, or if
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds or any combination thereof as defined in
19 subparagraph (C) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code committed on or
21 after January 1, 2011 (the effective date of Public Act
22 96-1230), or if convicted of an offense enumerated in
23 paragraph (a) (2.4) of this Section that is committed on or
24 after July 15, 1999 (the effective date of Public Act
25 91-121), or first degree murder, a Class X felony, criminal
26 sexual assault, felony criminal sexual abuse, aggravated

1 criminal sexual abuse, aggravated battery with a firearm as
2 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
3 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
4 successor offenses with the same or substantially the same
5 elements, or any inchoate offenses relating to the
6 foregoing offenses. No inmate shall be eligible for the
7 additional good conduct credit under this paragraph (4) who
8 (i) has previously received increased good conduct credit
9 under this paragraph (4) and has subsequently been
10 convicted of a felony, or (ii) has previously served more
11 than one prior sentence of imprisonment for a felony in an
12 adult correctional facility.

13 Educational, vocational, substance abuse, behavior
14 modification programs, life skills courses, re-entry
15 planning, and correctional industry programs under which
16 sentence credit may be increased under this paragraph (4)
17 and paragraph (4.1) of this subsection (a) shall be
18 evaluated by the Department on the basis of documented
19 standards. The Department shall report the results of these
20 evaluations to the Governor and the General Assembly by
21 September 30th of each year. The reports shall include data
22 relating to the recidivism rate among program
23 participants.

24 Availability of these programs shall be subject to the
25 limits of fiscal resources appropriated by the General
26 Assembly for these purposes. Eligible inmates who are

1 denied immediate admission shall be placed on a waiting
2 list under criteria established by the Department. The
3 inability of any inmate to become engaged in any such
4 programs by reason of insufficient program resources or for
5 any other reason established under the rules and
6 regulations of the Department shall not be deemed a cause
7 of action under which the Department or any employee or
8 agent of the Department shall be liable for damages to the
9 inmate.

10 (4.1) The rules and regulations shall also provide that
11 an additional 60 days of sentence credit shall be awarded
12 to any prisoner who passes high school equivalency testing
13 while the prisoner is committed to the Department of
14 Corrections. The sentence credit awarded under this
15 paragraph (4.1) shall be in addition to, and shall not
16 affect, the award of sentence credit under any other
17 paragraph of this Section, but shall also be pursuant to
18 the guidelines and restrictions set forth in paragraph (4)
19 of subsection (a) of this Section. The sentence credit
20 provided for in this paragraph shall be available only to
21 those prisoners who have not previously earned a high
22 school diploma or a high school equivalency certificate.
23 If, after an award of the high school equivalency testing
24 sentence credit has been made, the Department determines
25 that the prisoner was not eligible, then the award shall be
26 revoked. The Department may also award 60 days of sentence

1 credit to any committed person who passed high school
2 equivalency testing while he or she was held in pre-trial
3 detention prior to the current commitment to the Department
4 of Corrections.

5 (4.5) The rules and regulations on sentence credit
6 shall also provide that when the court's sentencing order
7 recommends a prisoner for substance abuse treatment and the
8 crime was committed on or after September 1, 2003 (the
9 effective date of Public Act 93-354), the prisoner shall
10 receive no sentence credit awarded under clause (3) of this
11 subsection (a) unless he or she participates in and
12 completes a substance abuse treatment program. The
13 Director may waive the requirement to participate in or
14 complete a substance abuse treatment program and award the
15 sentence credit in specific instances if the prisoner is
16 not a good candidate for a substance abuse treatment
17 program for medical, programming, or operational reasons.
18 Availability of substance abuse treatment shall be subject
19 to the limits of fiscal resources appropriated by the
20 General Assembly for these purposes. If treatment is not
21 available and the requirement to participate and complete
22 the treatment has not been waived by the Director, the
23 prisoner shall be placed on a waiting list under criteria
24 established by the Department. The Director may allow a
25 prisoner placed on a waiting list to participate in and
26 complete a substance abuse education class or attend

1 substance abuse self-help meetings in lieu of a substance
2 abuse treatment program. A prisoner on a waiting list who
3 is not placed in a substance abuse program prior to release
4 may be eligible for a waiver and receive sentence credit
5 under clause (3) of this subsection (a) at the discretion
6 of the Director.

7 (4.6) The rules and regulations on sentence credit
8 shall also provide that a prisoner who has been convicted
9 of a sex offense as defined in Section 2 of the Sex
10 Offender Registration Act shall receive no sentence credit
11 unless he or she either has successfully completed or is
12 participating in sex offender treatment as defined by the
13 Sex Offender Management Board. However, prisoners who are
14 waiting to receive treatment, but who are unable to do so
15 due solely to the lack of resources on the part of the
16 Department, may, at the Director's sole discretion, be
17 awarded sentence credit at a rate as the Director shall
18 determine.

19 (5) Whenever the Department is to release any inmate
20 earlier than it otherwise would because of a grant of
21 sentence credit for good conduct under paragraph (3) of
22 subsection (a) of this Section given at any time during the
23 term, the Department shall give reasonable notice of the
24 impending release not less than 14 days prior to the date
25 of the release to the State's Attorney of the county where
26 the prosecution of the inmate took place, and if

1 applicable, the State's Attorney of the county into which
2 the inmate will be released. The Department must also make
3 identification information and a recent photo of the inmate
4 being released accessible on the Internet by means of a
5 hyperlink labeled "Community Notification of Inmate Early
6 Release" on the Department's World Wide Web homepage. The
7 identification information shall include the inmate's:
8 name, any known alias, date of birth, physical
9 characteristics, residence address, commitment offense and
10 county where conviction was imposed. The identification
11 information shall be placed on the website within 3 days of
12 the inmate's release and the information may not be removed
13 until either: completion of the first year of mandatory
14 supervised release or return of the inmate to custody of
15 the Department.

16 (b) Whenever a person is or has been committed under
17 several convictions, with separate sentences, the sentences
18 shall be construed under Section 5-8-4 in granting and
19 forfeiting of sentence credit.

20 (c) The Department shall prescribe rules and regulations
21 for revoking sentence credit, including revoking sentence
22 credit awarded for good conduct under paragraph (3) of
23 subsection (a) of this Section. The Department shall prescribe
24 rules and regulations for suspending or reducing the rate of
25 accumulation of sentence credit for specific rule violations,
26 during imprisonment. These rules and regulations shall provide

1 that no inmate may be penalized more than one year of sentence
2 credit for any one infraction.

3 When the Department seeks to revoke, suspend or reduce the
4 rate of accumulation of any sentence credits for an alleged
5 infraction of its rules, it shall bring charges therefor
6 against the prisoner sought to be so deprived of sentence
7 credits before the Prisoner Review Board as provided in
8 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
9 amount of credit at issue exceeds 30 days or when during any 12
10 month period, the cumulative amount of credit revoked exceeds
11 30 days except where the infraction is committed or discovered
12 within 60 days of scheduled release. In those cases, the
13 Department of Corrections may revoke up to 30 days of sentence
14 credit. The Board may subsequently approve the revocation of
15 additional sentence credit, if the Department seeks to revoke
16 sentence credit in excess of 30 days. However, the Board shall
17 not be empowered to review the Department's decision with
18 respect to the loss of 30 days of sentence credit within any
19 calendar year for any prisoner or to increase any penalty
20 beyond the length requested by the Department.

21 The Director of the Department of Corrections, in
22 appropriate cases, may restore up to 30 days of sentence
23 credits which have been revoked, suspended or reduced. Any
24 restoration of sentence credits in excess of 30 days shall be
25 subject to review by the Prisoner Review Board. However, the
26 Board may not restore sentence credit in excess of the amount

1 requested by the Director.

2 Nothing contained in this Section shall prohibit the
3 Prisoner Review Board from ordering, pursuant to Section
4 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
5 sentence imposed by the court that was not served due to the
6 accumulation of sentence credit.

7 (d) If a lawsuit is filed by a prisoner in an Illinois or
8 federal court against the State, the Department of Corrections,
9 or the Prisoner Review Board, or against any of their officers
10 or employees, and the court makes a specific finding that a
11 pleading, motion, or other paper filed by the prisoner is
12 frivolous, the Department of Corrections shall conduct a
13 hearing to revoke up to 180 days of sentence credit by bringing
14 charges against the prisoner sought to be deprived of the
15 sentence credits before the Prisoner Review Board as provided
16 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
17 prisoner has not accumulated 180 days of sentence credit at the
18 time of the finding, then the Prisoner Review Board may revoke
19 all sentence credit accumulated by the prisoner.

20 For purposes of this subsection (d):

21 (1) "Frivolous" means that a pleading, motion, or other
22 filing which purports to be a legal document filed by a
23 prisoner in his or her lawsuit meets any or all of the
24 following criteria:

25 (A) it lacks an arguable basis either in law or in
26 fact;

1 (B) it is being presented for any improper purpose,
2 such as to harass or to cause unnecessary delay or
3 needless increase in the cost of litigation;

4 (C) the claims, defenses, and other legal
5 contentions therein are not warranted by existing law
6 or by a nonfrivolous argument for the extension,
7 modification, or reversal of existing law or the
8 establishment of new law;

9 (D) the allegations and other factual contentions
10 do not have evidentiary support or, if specifically so
11 identified, are not likely to have evidentiary support
12 after a reasonable opportunity for further
13 investigation or discovery; or

14 (E) the denials of factual contentions are not
15 warranted on the evidence, or if specifically so
16 identified, are not reasonably based on a lack of
17 information or belief.

18 (2) "Lawsuit" means a motion pursuant to Section 116-3
19 of the Code of Criminal Procedure of 1963, a habeas corpus
20 action under Article X of the Code of Civil Procedure or
21 under federal law (28 U.S.C. 2254), a petition for claim
22 under the Court of Claims Act, an action under the federal
23 Civil Rights Act (42 U.S.C. 1983), or a second or
24 subsequent petition for post-conviction relief under
25 Article 122 of the Code of Criminal Procedure of 1963
26 whether filed with or without leave of court or a second or

1 subsequent petition for relief from judgment under Section
2 2-1401 of the Code of Civil Procedure.

3 (e) Nothing in Public Act 90-592 or 90-593 affects the
4 validity of Public Act 89-404.

5 (f) Whenever the Department is to release any inmate who
6 has been convicted of a violation of an order of protection
7 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, earlier than it otherwise would
9 because of a grant of sentence credit, the Department, as a
10 condition of release, shall require that the person, upon
11 release, be placed under electronic surveillance as provided in
12 Section 5-8A-7 of this Code.

13 (Source: P.A. 97-333, eff. 8-12-11; 97-697, eff. 6-22-12;
14 97-990, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
15 1-1-15.)

16 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)
17 Sec. 3-7-6. Reimbursement for expenses.

18 (a) Responsibility of committed persons. For the purposes
19 of this Section, "committed persons" mean those persons who
20 through judicial determination have been placed in the custody
21 of the Department on the basis of a conviction as an adult.
22 Committed persons shall be responsible to reimburse the
23 Department for the expenses incurred by their incarceration at
24 a rate to be determined by the Department in accordance with
25 this Section.

1 (1) Committed persons shall fully cooperate with the
2 Department by providing complete financial information for
3 the purposes under this Section.

4 ~~(2) The failure of a committed person to fully~~
5 ~~cooperate as provided for in clauses (3) and (4) of~~
6 ~~subsection (a 5) shall be considered for purposes of a~~
7 ~~parole determination.~~ Any committed person who willfully
8 refuses to cooperate with the obligations set forth in this
9 Section may be subject to the loss of sentence credit
10 towards his or her sentence of up to 180 days.

11 (a-5) Assets information form.

12 (1) The Department shall develop a form, which shall be
13 used by the Department to obtain information from all
14 committed persons regarding assets of the persons.

15 (2) In order to enable the Department to determine the
16 financial status of the committed person, the form shall
17 provide for obtaining the age and marital status of a
18 committed person, the number and ages of children of the
19 person, the number and ages of other dependents, the type
20 and value of real estate, the type and value of personal
21 property, cash and bank accounts, the location of any lock
22 boxes, the type and value of investments, pensions and
23 annuities and any other personalty of significant cash
24 value, including but not limited to jewelry, art work and
25 collectables, and all medical or dental insurance policies
26 covering the committed person. The form may also provide

1 for other information deemed pertinent by the Department in
2 the investigation of a committed person's assets.

3 (3) Upon being developed, the form shall be submitted
4 to each committed person as of the date the form is
5 developed and to every committed person who thereafter is
6 sentenced to imprisonment under the jurisdiction of the
7 Department. The form may be resubmitted to a committed
8 person by the Department for purpose of obtaining current
9 information regarding the assets of the person.

10 (4) Every committed person shall complete the form or
11 provide for completion of the form and the committed person
12 shall swear under oath or affirm that to the best of his or
13 her knowledge the information provided is complete and
14 accurate.

15 (b) Expenses. The rate at which sums to be charged for the
16 expenses incurred by a committed person for his or her
17 confinement shall be computed by the Department as the average
18 per capita cost per day for all inmates of that institution or
19 facility for that fiscal year. The average per capita cost per
20 day shall be computed by the Department based on the average
21 per capita cost per day for the operation of that institution
22 or facility for the fiscal year immediately preceding the
23 period of incarceration for which the rate is being calculated.
24 The Department shall establish rules and regulations providing
25 for the computation of the above costs, and shall determine the
26 average per capita cost per day for each of its institutions or

1 facilities for each fiscal year. The Department shall have the
2 power to modify its rules and regulations, so as to provide for
3 the most accurate and most current average per capita cost per
4 day computation. Where the committed person is placed in a
5 facility outside the Department, the Department may pay the
6 actual cost of services in that facility, and may collect
7 reimbursement for the entire amount paid from the committed
8 person receiving those services.

9 (c) Records. The records of the Department, including, but
10 not limited to, those relating to: the average per capita cost
11 per day for a particular institution or facility for a
12 particular year, and the calculation of the average per capita
13 cost per day; the average daily population of a particular
14 Department correctional institution or facility for a
15 particular year; the specific placement of a particular
16 committed person in various Department correctional
17 institutions or facilities for various periods of time; and the
18 record of transactions of a particular committed person's trust
19 account under Section 3-4-3 of this Act; may be proved in any
20 legal proceeding, by a reproduced copy thereof or by a computer
21 printout of Department records, under the certificate of the
22 Director. If reproduced copies are used, the Director must
23 certify that those are true and exact copies of the records on
24 file with the Department. If computer printouts of records of
25 the Department are offered as proof, the Director must certify
26 that those computer printouts are true and exact

1 representations of records properly entered into standard
2 electronic computing equipment, in the regular course of the
3 Department's business, at or reasonably near the time of the
4 occurrence of the facts recorded, from trustworthy and reliable
5 information. The reproduced copy or computer printout shall,
6 without further proof, be admitted into evidence in any legal
7 proceeding, and shall be prima facie correct and prima facie
8 evidence of the accuracy of the information contained therein.

9 (d) Authority. The Director, or the Director's designee,
10 may, when he or she knows or reasonably believes that a
11 committed person, or the estate of that person, has assets
12 which may be used to satisfy all or part of a judgment rendered
13 under this Act, or when he or she knows or reasonably believes
14 that a committed person is engaged in gang-related activity and
15 has a substantial sum of money or other assets, provide for the
16 forwarding to the Attorney General of a report on the committed
17 person and that report shall contain a completed form under
18 subsection (a-5) together with all other information available
19 concerning the assets of the committed person and an estimate
20 of the total expenses for that committed person, and authorize
21 the Attorney General to institute proceedings to require the
22 persons, or the estates of the persons, to reimburse the
23 Department for the expenses incurred by their incarceration.
24 The Attorney General, upon authorization of the Director, or
25 the Director's designee, shall institute actions on behalf of
26 the Department and pursue claims on the Department's behalf in

1 probate and bankruptcy proceedings, to recover from committed
2 persons the expenses incurred by their confinement. For
3 purposes of this subsection (d), "gang-related" activity has
4 the meaning ascribed to it in Section 10 of the Illinois
5 Streetgang Terrorism Omnibus Prevention Act.

6 (e) Scope and limitations.

7 (1) No action under this Section shall be initiated
8 more than 2 years after the release or death of the
9 committed person in question.

10 (2) The death of a convicted person, by execution or
11 otherwise, while committed to a Department correctional
12 institution or facility shall not act as a bar to any
13 action or proceeding under this Section.

14 (3) The assets of a committed person, for the purposes
15 of this Section, shall include any property, tangible or
16 intangible, real or personal, belonging to or due to a
17 committed or formerly committed person including income or
18 payments to the person from social security, worker's
19 compensation, veteran's compensation, pension benefits, or
20 from any other source whatsoever and any and all assets and
21 property of whatever character held in the name of the
22 person, held for the benefit of the person, or payable or
23 otherwise deliverable to the person. Any trust, or portion
24 of a trust, of which a convicted person is a beneficiary,
25 shall be construed as an asset of the person, to the extent
26 that benefits thereunder are required to be paid to the

1 person, or shall in fact be paid to the person. At the time
2 of a legal proceeding by the Attorney General under this
3 Section, if it appears that the committed person has any
4 assets which ought to be subjected to the claim of the
5 Department under this Section, the court may issue an order
6 requiring any person, corporation, or other legal entity
7 possessed or having custody of those assets to appropriate
8 any of the assets or a portion thereof toward reimbursing
9 the Department as provided for under this Section. No
10 provision of this Section shall be construed in violation
11 of any State or federal limitation on the collection of
12 money judgments.

13 (4) Nothing in this Section shall preclude the
14 Department from applying federal benefits that are
15 specifically provided for the care and treatment of a
16 committed person toward the cost of care provided by a
17 State facility or private agency.

18 (Source: P.A. 97-697, eff. 6-22-12.)